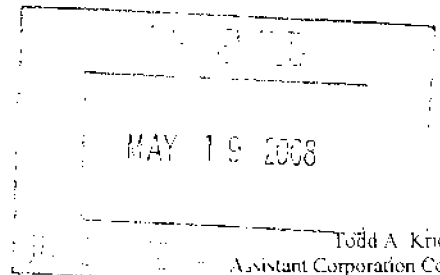




THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET, Room 3-122
NEW YORK, NY 10007

MICHAEL A. CARDOZO
Corporation Counsel



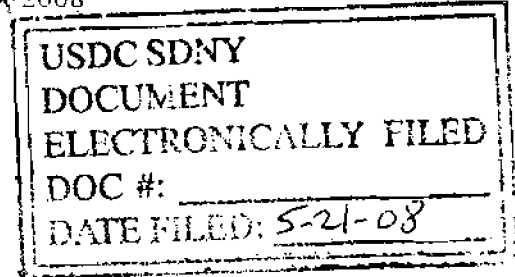
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May 15, 2008

MEMO ENDORSED

VIA FAX 212-805-7911 AND FIRST CLASS MAIL.

Hon. John F. Keenan
United States District Court, S.D.N.Y.
500 Pearl Street, Room 1930
New York, New York 10007



Re: Federal Insurance Co. v. Turner Construction Co.
United States District Court, S.D.N.Y.
Case No. 07-CV-11095 (JFK)(THK)

Dear Judge Keenan:

The New York City Economic Development Corporation respectfully withdraws its motion to be substituted as defendant under Rule 25, without prejudice to its right to seek permission to intervene under Rule 24.

Respectfully submitted,

Todd A. Krichmar (TK 0524)

cc: Theodore L. Hecht, Esq. (Via E-Mail)
Meredith J. Jones, Esq. (Via E-Mail)
Howard M. Rosen, Esq. (Via E-Mail)

SO ORDERED.

Dated: New York, N.Y.
May 20, 2008

U.S.D.J.